

CLERKS OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

5/17/2021

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

LARRY ANTHONY BOOKER,

Plaintiff,

v.

CITY OF LYNCHBURG, *et al.*,

Defendants.

CASE NO. 6:20-cv-00011

ORDER

JUDGE NORMAN K. MOON

Defendants Lynchburg City Police Officers Luke Schartiger, Jonathan Bragg, and Nathan Godsie filed a motion to dismiss Count II of Plaintiff Larry Anthony Booker's amended complaint. Dkt. 50. Booker initially opposed the Police Officers' motion. Dkt. 53. But on May 5, 2021, Booker communicated to the Court his agreement to dismiss Count II.

Under Federal Rule of Civil Procedure 41(a)(2), the Court may dismiss an action at the plaintiff's request. "The purpose of Rule 41(a)(2) is freely to allow voluntary dismissals unless the parties will be unfairly prejudiced." *Davis v. USX Corp.*, 819 F.2d 1270, 1273 (4th Cir. 1987) (internal citations omitted). Here, because the Police Officers filed a motion to dismiss Count II, dismissing Count II at Booker's request will not unfairly prejudice the Police Officers.

Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(2), the Court **DISMISSES** Count II of Booker's amended complaint. The Court further **DENIES AS MOOT** the Police Officers' motion to dismiss Count II, Dkt. 50.

The Clerk of the Court is directed to send this Order to all counsel of record.

Entered this 17th day of May, 2021.


NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE